

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:21-cv-121-MOC
(1:18-cr-66-MOC-WCM-4)**

LONNIE ALTON HENDERSON,)	
)	
Petitioner,)	
)	
vs.)	ORDER
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
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THIS MATTER is before the Court on the Petitioner's Unopposed Motion to Continue Evidentiary Hearing, (Doc. No. 14).

In this proceeding pursuant to 28 U.S.C. § 2255, the Court found that an evidentiary hearing is warranted on the claim that counsel was ineffective for failing to file a notice of appeal pursuant to Petitioner's timely instruction. (Doc. No. 10). Accordingly, the Court appointed counsel for Petitioner and scheduled an evidentiary hearing. (Id.). The Government moved to reschedule the evidentiary hearing due to a scheduling conflict. (Doc. 11). The continuance was granted and the hearing was scheduled for Monday, November 29, 2021. (Doc. No. 12).

Counsel for Petitioner now seeks to continue the hearing, stating that additional time is needed to investigate potential evidence and witnesses. (Doc. No. 14). The Government consents to continue the hearing so long as the rescheduled date is in the new year. (Id. at 2).


Petitioner's Motion to Continue will be granted for good cause shown. The parties shall, within 30 days of this Order, present the Court with proposed dates for rescheduling the evidentiary hearing.

IT IS THEREFORE ORDERED that:

1. Petitioner's Unopposed Motion to Continue Evidentiary Hearing, (Doc. No. 14), is **GRANTED**.
2. The hearing scheduled for November 29, 2021 at 11:00 AM is **CONTINUED** and will be rescheduled in a separate Order.
3. The parties shall, within **thirty (30) days** of this Order, present the Court with proposed alternate dates for the evidentiary hearing.
4. The United States Marshal shall ensure that Petitioner, **LONNIE ALTON HENDERSON** (Reg. No. 99563-555), remains in this District so that he may confer with counsel and appear at the evidentiary hearing upon its rescheduling.

The Clerk of Court is directed to provide copies of this Order to the parties, the United States Marshals Service, and the Bureau of Prisons.

Signed: November 10, 2021


Max O. Cogburn Jr.
United States District Judge